

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Rosemary Heredia, Assistant Deputy Clerk.

**F033560      People v. Parker**

Cause called and argued by Kathleen Ann Johnson, Esq., Deputy State Public Defender, counsel for appellant. Christine Levin, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Friday, January 18, 2002 at 10:00 A.M.

**F034551      People v. Johnson**

The judgment is affirmed. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035467      People v. Chaffin**

The judgment is affirmed. Wiseman, Acting P.J.

We concur: Levy, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035703      Castro v. Co. of Kern**

The judgment is affirmed. Wiseman, Acting P.J.

We concur: Levy, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035403      People v. Derry**

The judgment is affirmed. Wiseman, J.

We concur: Dibiaso, Acting P.J.; Vartabedian, J.

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**F034393      People v. Bright**

The judgment is affirmed with modifications. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035445      Wright v. Beverly Fabrics, Inc.**

The judgment is reversed and the court is directed to enter an order granting Beverly Fabrics' motion for nonsuit. Costs are awarded to Beverly Fabrics. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[CERTIFIED FOR PUBLICATION]

**F036810      Vega, et al. v. County of Los Angeles, et al.; The Newhall Land and Farming Co., et al.**

The judgment is affirmed. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037841      City of Lindsay v. Workers' Compensation Appeals Board, and Pascual Martinez**

Let a writ of review issue returnable before this court forthwith.

The "ORDER DENYING RECONSIDERATION" filed on February 15, 2001, is annulled and the case is remanded to the WCAB. In light of this ruling, this court will not address the balance of the petition.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038293      People v. Corona**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F038293      People v. Corona**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034114      People v. Flores**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F034114      People v. Flores**

The judgment is affirmed. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039585      In re Rene Ortega On Habeas Corpus**

A notice of appeal must be filed within 60 days of the date of the rendition of the judgment. (Cal. Rules of Court, rule 31(a).) Although a criminal defendant has the burden of timely filing a notice of appeal, the burden may be delegated to trial counsel. (In re Fountian (1977) 74 Cal.App.3d 715, 719.) “A criminal defendant seeking relief from his default in failing to file a timely notice of appeal is entitled to such relief, absent waiver or estoppel due to delay, if he made a timely request of his trial attorney to file a notice of appeal, thereby placing the attorney under duty to file it, instruct the defendant how to file it, or secure another counsel for him [citation]; or if the attorney made a timely promise to file a notice of appeal, thereby invoking reasonable reliance on the part of the defendant [citation].” (People v. Sanchez (1996) Cal.3d 496, 500.)

Petitioner is entitled to relief. Petitioner is directed to cause a notice of appeal on or before February 7, 2002, in Stanislaus County Superior Court action No. 145612

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Let a writ of habeas corpus issue directing the Clerk of the Stanislaus County Superior Court, if he receives the notice on or before February 7, 2002, to file the notice, and to treat the notice as being filed timely. Thereafter, the Clerk shall proceed with the preparation of the record on appeal in accordance with the applicable rules of the California Rules of Court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037507      People v. Conerly**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F037507      People v. Conerly**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038215      People v. Johnston III**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F038215      People v. Johnston III**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038645      In re Manuel V., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F038645**      **In re Manuel V., a Minor**  
The order terminating parental rights is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]